



JC14 Rec'd PCT/PTO 26 NOV 2001

PCT
#5

PATENT APPLICATION
Attorney Docket No.: 0818.0104C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the PATENT application of

Arthur Talley, Jr. et al.

Serial No. 09/821,456

Filed: April 6, 2001

Title: SPLITTABLE MULTICOMPONENT ELASTOMERIC FIBERS


TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above-identified application is a Response to Notification of Defective Response; and a copy of the Declaration and Power of Attorney filed in the U.S. Patent and Trademark Office on October 9, 2001.

The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,



Patrick J. Finnan
Registration No. 39,189

EPSTEIN, EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 Research Blvd., Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640
Hand-delivered: November 26, 2001



PATENT APPLICATION
Attorney Docket No.: 0818.0104C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the PATENT application of

Arthur Talley, Jr. et al.

Serial No. 09/821,456

Filed: April 6, 2001

Title: SPLITTABLE MULTICOMPONENT ELASTOMERIC FIBERS

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification of Defective Response mailed October 24, 2001, Applicant offers the following remarks. The Notification indicates that the Declaration does not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68; however, no specific defect is indicated by the Notification. Having carefully reviewed the previously-submitted Declaration, the undersigned can find no defect in the Declaration and respectfully submits that the Declaration is in full compliance with both 37 CFR 1.497 and 37 CFR 1.68. For convenience, a copy of the previously-submitted Declaration is enclosed.

As a preliminary matter, it is noted that the Declaration is on the PTO's own form (PTO/SB/01) and inherently contains all the statements and declarations required of inventors, including all of the statements required by 37 CFR 1.68.

Further, the Declaration meets all the requirements of 37 CFR 1.497(a) and (b). In particular, 37 CFR 1.497(a) requires the Declaration to: (1) be executed in accordance with 1.66 or 1.68; (2) identify the specification to which it is directed; (3) identify each inventor and the country of citizenship of each inventor; and (4) state that the person making the declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought. Applicant has carefully reviewed the Declaration and has

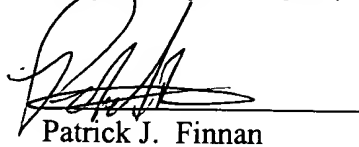
reconfirmed that all of these requirements are met.

37 CFR 1.497(b) requires that the Declaration be made by all of the actual inventors except as provided for in 37 CFR 1.42, 1.43 or 1.47. 37 CFR 1.497(b) further requires that, if the person making the Declaration is the legal representative of a deceased inventor (37 CFR 1.42), the declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative. In the Declaration in question, there are five inventors. Four of the five inventors have executed the Declaration themselves. The fifth inventor, Jing-Peir Yu, is deceased, as clearly stated twice in the Declaration (see supplemental sheet 2). Accordingly, the deceased inventor's legal representative has executed the Declaration on his behalf under 37 CFR 1.42. The Declaration quite clearly states that Shiang-Jung Yu is the legal representative of the deceased inventor and provides the legal representative's citizenship, residence and mailing address. Accordingly, all of the requirements of 37 CFR 1.497(b) have also been met, and there is no defect in the Declaration.

The undersigned placed several calls to Patricia Booker regarding this matter; however, none of these calls was returned. Consequently, the undersigned contacted Leonard Smith (PCT legal examiner), who indicated that this Notification was likely erroneous, since a Declaration involving a deceased inventor should have been reviewed by the PCT legal department (this Declaration apparently was not so reviewed).

In any event, if after further review, the Declaration is still found to be defective in some manner, Applicant respectfully requests that the undersigned be called to discuss the specific defect, so that this matter can be handled in an expedited manner. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any fee for such extension is to be charged to deposit account No. 05-0460.

Respectfully submitted,



Patrick J. Finnan

Registration No. 39,189

EPSTEIN, EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 Research Blvd., Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640
Hand-delivered: November 26, 2001